

REMARKS/ARGUMENTS

I. Summary of the Office Action

Claims 1-14 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent Application Pub. No. 2003/0143974 (Navarro).

II. Summary of this Reply

In this Reply, claims 1 and 8, the only independent claims, were amended to include the features of claims 6 and 13, respectively. Claims 6 and 13 were canceled. For the reasons stated below, Applicants maintain that these features are not taught nor even suggested by Navarro. Accordingly, the inclusion of these features into each of the independent claims renders all pending claims (i.e., claims 1-5, 7-12 and 14) allowable.

Applicants have also amended claims 2 and 9 to include additional members of the group of reporting agencies. Support for this amendment is found in the specification, *inter alia*, at page 5 lines 11-12 of the specification as filed.

III. U.S. Patent Application Pub. No. 2003/0143974 (Navarro)

Navarro relates to an emergency message warning system for weather reports. In particular, Navarro teaches determining mobile phone base stations that cover any portion of the affected area. Using this information, “the base stations 104 may either transmit the emergency message to all the mobile stations 106 communicating with the base station 104 or determine the position of each mobile station 106 and only transmit the message to those identified to be in a danger area” (para. 19). Thus the weather warning system of Navarro relates to limiting cell phone communication to individuals who are in either a general or specific area that is affected by the alert.

IV. Response to §102 Rejections

Claim 1, as amended, recites a method for a cell phone service provider to communicate to a cell phone user, who is located in a particular local geographical area and who is a member of a class of recipients, an alert message that effects that particular local geographical area. The method comprises receiving an alert message from a reporting agency, the message containing information as to locations effected. The method further comprises determining that the user is located in said geographical area and that the user is a member of a class intended to receive the alert. The method further comprises providing to the user at least one communication advising him of the alert message.

An important feature of newly amended claim 1 is the use of a class of recipients in determining who is provided the alert message. This feature was originally present in claim 6. Support for this feature is found in the specification wherein a specific example of volunteer firemen (and only volunteer firemen) would receive messages sent by a local government agency that are intended for local firemen (page 5, lines 9-13). As described in an embodiment of the present application, this feature is implemented by using a user profile in a data base that is maintained by the cell phone service provider.

Navarro is silent as to any limitation on who receives an alert message other than the geographical limitation discussed above. This is in accordance with the purpose of his invention which is to alert cell phone users to imminent weather threats in their area. Accordingly, the “recipient class” feature of the present invention is not taught nor suggested by Navarro. Moreover, there is no means discussed in Navarro for implementing such a feature – he is silent as to any user profile data base or any other means to incorporate the “recipient class” feature of the present invention.

Claim 8 also contains this feature of claim 1 wherein a determination is made that the user is a member of a class intended to receive an alert prior to communicating that alert to him. As discussed above, Navarro fails to teach (or even suggest) this feature. Accordingly, both independent claims 1 and 8 are patentable.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration on its own merits is respectfully requested.

In particular, claims 4 and claim 11 recite the feature that the user is permitted to limit alert messages he receives based upon the subject content of the message. In the Office Action, claims 4 and 11 were rejected based upon paragraph 22 of Navarro. Applicants respectfully traverse this rejection as this cited paragraph only relates to how an emergency message preempts normal messages in the queue of the wireless communication system. There is nothing within this paragraph that teaches how message content of the alert message is used to limit alert messages provided to the user – much less how this feature is settable by the user. For at least these reasons, claims 4 and 11 are patentable over Navarro.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,

Keith N. Larson



By: Thomas J. Onka, Esq.
Reg. No. 42,053

Synnestvedt Lechner & Woodbridge LLP
P.O. Box 592
Princeton, NJ 08542
609-924-3773 phone
609-924-1811 fax